

### **REMARKS**

This responds to the Office Action dated 5 May 2005.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1-25 are now pending in this application. The instant application is being examined after a petition to revive the application was granted. The notice to grant the petition was mailed 22 November 2004. Claims 1-25 are claims 1-11, 42, 43, and 46-57 of the instant application that were indicated as allowed in the notice of allowance mailed 19 April 2004. Claims 1-25 have been effectively renumbered in the Office Action dated 5 May 2005. Applicant respectfully requests reconsideration of the above-identified application in view of the remarks that follow.

#### **Information Disclosure Statement**

Applicant submitted an Information Disclosure Statement and a 1449 Form on July 21, 2004. Applicant respectfully requests that an initialed copy of the 1449 Form be returned to Applicant's Representatives to indicate that the cited references have been considered by the Examiner.

#### **Double Patenting Rejection**

Claims 1 and 2 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,838,764.

Claims 3-5 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 18 and 19 of U.S. Patent No. 6,838,764.

Claims 6-8 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7 and 12 of U.S. Patent No. 6,838,764.

Claim 9 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7 and 10 of U.S. Patent No. 6,838,764.

Claims 12, 13, and 14 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 4//13 of U.S. Patent No. 6,838,764.

Claim 15 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,838,764.

Claim 18 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. 6,838,764.

Claim 21 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. 6,838,764.

Claims 24 and 25 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14, 15, and 17 of U.S. Patent No. 6,838,764.

Applicant traverses these rejections of claims 1-25.

Applicant submits that under 35 USC § 121 a double patenting rejection of claims 1-25 with respect to U.S. Patent No. 6,838,764 is not proper, since U.S. Patent No. 6,838,764 issued from a divisional application of the instant application. The instant application has serial no. 09/382,524 and was filed 25 August 1999. In Office Actions on the instant application, mailed 02 November 2000 and 20 March 2001, (copies of which are included in this response) restriction requirements were made. Relative to the two restriction requirements, Applicant elected Group I, claims 1-11 of the restriction requirements, for prosecution in the instant application. Applicant subsequently filed a divisional application, Application No. 10/179,110, on 24 June 2002 including claims 12-17 of Group II of the restriction requirement. Divisional Application No. 10/179,110 issued as U.S. Patent No. 6,838,764 on 4 January 2005.

Applicant respectfully requests withdrawal of these rejections of claims 1-25, and reconsideration and allowance of these claims.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2157 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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Date 5 August 2005

By David R. Cochran  
David R. Cochran  
Reg. No. 46,632

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5 day of August, 2005.

LISA ROSORSKE

Name

Lisa Rosorske

Signature